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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,570	01/25/2001	Tsutomu Yamazaki	011350.266	3577

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EXAMINER

CHANKONG, DOHM

ART UNIT PAPER NUMBER

2152

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,570

Applicant(s)

YAMAZAKI, TSUTOMU

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1> This action is in response to Applicant's request for continued examination. Claims 1-6, 8-11, 13-15 and 18-19 are amended. Claims 1-21 are presented for further examination.
- 2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

- 3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4.20.2006 has been entered.

Response to Arguments

- 4> Applicant's arguments have been fully considered but they are not persuasive. Applicant has amended the claims with limitations directed towards obtaining a logical distance. Applicant argues that the prior art references do not teach a logical distance. The Office respectfully disagrees.

Applicant's claims or specification do not define the term "logical distance". Instead, the claims merely describe obtaining a "logical distance" by compensating the physical distance according to a number of times a printer is used. Rather, the claims and specification merely set forth that the "logical distance" is obtained as a result of "compensating" a

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physical distance with the number of times each printer is used. The specification is more specific, stating that the “logical distance” is directly calculated as a product of frequency of use and a physical distance (which is defined as the straight-line distance) to the printer. Since the term “logical distance” is not specifically defined and is not a well known term in the art, the Office may give the term its most reasonably broadest interpretation.

Based on the claim language, the term “logical distance” is merely a distance value that is obtained by adjusting a physical distance value with a number of times each printer is used. In this regard, the Office submits that the Fischer and Yacoub references in combination disclose obtaining a “logical distance”. Fischer discloses an invention that “further refines the actual probable location of the asset by identifying other users that are using and/or have used the asset” [column 6 «lines 23-25»]. Thus, Fischer contemplates a function of continuously refining a location value to be closer to the actual probable location. That is, there are different iterations of calculating a printer’s location. Fischer discloses compensating a previously refined location based on the usage frequency of the printer to obtain a newly refined “logical” location [column 7 «lines 22-33»].

Yacoub discloses calculating distances based on a printer’s location [column 5 «line 63» to column 6 «line 15»]. Coupled with Fischer’s feature of refining printer location values based on usage, the combination of Fischer and Yacoub disclose a system of continuously calculating a printer’s probable distance based on its probable location. The newly calculated probable distance is interpreted as a “logical distance” since it is obtained by compensating the previous distance calculation with usage information.

For the foregoing reasons, Applicant's amendment does not overcome the prior art references.

5> The claims are not patentable as they are currently written. Applicant is invited to contact Examiner to discuss possible amendments to further prosecution that would place the claims in condition for allowance. For instance, Applicant should refine the claims to further define or describe the term "logical distance", the action of "compensating" the physical distance or the mathematical relationship between a logical distance, a physical distance and the number of times each printer is used.

For example, according to Applicant's specification describes logical distance as $LBH = k \cdot \text{times} \cdot BH$. Another example is that the logical distance increases as the frequency of use decreases. This claim language are examples that would distinguish over the prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6> Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Independent claims are rejected for being vague and indefinite. Specifically, the claims refer to a compensating means for obtaining a logical distance by compensating the physical distance information. However, while the claims clearly

state that there is physical distance information for each printer, the claims are unclear as to which printers the logical distance obtained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8> Applicant amends the claims to disclose a logical distance. In regards to this feature, see section 4, above.

9> Claims 1, 3, 8, 15, 19 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Fischer, U.S Patent No. 6,470,387, in view of Yacoub, U.S Patent No. 6,552,813.

10> Claims 2, 6, 7 and 18 are rejected under 35 U.S.C § 103(a) as being unpatentable over Fischer and Yacoub, in further view of Kageyama et al, U.S Patent No. 5,625,757 [“Kageyama”].

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11> Claims 4 and 5 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kageyama, in view of Fischer.

12> Claims 16 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kageyama and Fischer, in view of Yacoub.

13> Claims 9, 10, 12, 13, 14 and 21 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yacoub, in view of Fischer.

14> Claim 11 is rejected under 35 U.S.C 103(a) as being unpatentable over Yacoub and Fischer as applied to claim 9 above, in further view of Dmitri et al (hereinafter Dmitri) U.S Patent No. 6,351,685.

Conclusion

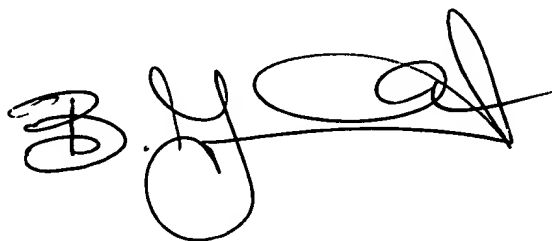
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a stylized flourish extending to the right.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER